



**REAL ESTATE COMMITTEE AGENDA**  
**REAL ESTATE COMMITTEE MEETING OF: AUGUST 18, 2003**

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

**MINUTES:**

PRESENT: COUNCILMAN WEEKLY and COUNCILWOMAN MONCRIEF

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, DEPUTY CITY ATTORNEY TERESITA PONTICELLO, REAL ESTATE AND ASSET MANAGEMENT DIVISION MANAGER DAVID ROARK, CITY CLERK BARBARA JO RONEMUS and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – Meeting noticed and posted at the following locations:

Las Vegas Library, 833 Las Vegas Boulevard North

Senior Citizens Center, 450 E. Bonanza Road

Clark County Government Center, 500 S. Grand Central Pkwy

Court Clerk's Bulletin Board, City Hall

City Hall Plaza, Posting Board

(3:09)

**1-1**

**AGENDA SUMMARY PAGE****REAL ESTATE COMMITTEE MEETING OF: AUGUST 18, 2003**

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**DEPARTMENT: PUBLIC WORKS****DIRECTOR: RICHARD D. GOECKE**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Discussion and possible action regarding an Interlocal Agreement with jurisdictions regarding a proposed Regional Animal Shelter Campus between the City, Clark County, and the City of North Las Vegas located at the southeast corner of Harris Avenue and Manning Street known as APN 139-25-801-003 and portions of 139-25-405-007 and 139-25-801-002 - Ward 3 (Reese)

**Fiscal Impact**☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

CLV, County and NLV desire to enter into a joint and shared use agreement to lease approximately 6 to 8 acres of land from CLV. The proposal will expand the existing Lied Animal Shelter and describes the campus to include an extended stay adoption center, vet tech school and medical facility, a wellness clinic and special events community center. In addition, there would be space/facilities to allow other municipalities to locate their animal control services on campus to provide valley residents one central location to retrieve lost pets & participate in all other proposed services.

**RECOMMENDATION:**

Staff recommends approval

**BACKUP DOCUMENTATION:**

Interlocal Agreement

Submitted at the meeting: amended Page 1 of the agreement

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN MONCRIEF** recommended Item 1 be forwarded to the Full Council with a "DO PASS" recommendation. **COUNCILMAN WEEKLY** concurred.

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

REAL ESTATE COMMITTEE MEETING OF AUGUST 18, 2003

Public Works

Item 1 - Discussion and possible action regarding an Interlocal Agreement with jurisdictions regarding a proposed Regional Animal Shelter Campus between the City, Clark County, and the City of North Las Vegas located at the southeast corner of Harris Avenue and Manning Street known as APN 139-25-801-003 and portions of 139-25-405-007 and 139-25-801-002

**MINUTES – Continued:**

DAVID ROARK, Manager, Real Estate and Asset Management Division, stated that this interlocal would include the three mentioned in the line item to create for the creation of a regional animal sometime in the future. The interlocal agreement would require that Clark County supply \$500,000 to expand the existing building to make room for North Las Vegas and Clark County. In the event the City should choose to terminate its portion of this agreement in order to run its own animal shelter, it would have to pay the total cost of the existing facility as well as reimburse the County \$500,000. The agreement also dedicates an additional four acres for future expansion of the facility in case the Animal Foundation is able to raise money in the future to build more facilities. If they choose not to develop the land, it would be regressed to the City for its use. Staff recommends approval.

COUNCILMAN WEEKLY was distraught about the recent incident wherein a dog that was picked up on the street was erroneously put through the euthanasia process. MR. ROARK clarified that that incident occurred at the facility where the County contracts. But unfortunately it has occurred at the facility with which the City's contracts. There is a 30-day holding period on all animals that are received, and they are all tagged. What happened at the Dewey Center is that a new employee took the dog's collar off, which made him unidentifiable, compared to the other dog that was in the same cage. The City has a rule that allows only one animal to a cage when first dropped off by Animal Control. Hopefully, that control mechanism can avoid future similar tragedies. COUNCILMAN WEEKLY said he hopes the City Animal Shelter enforces its rules, because he would hate for any other pet lover to undergo such misfortune.

AL GALLEGOS, citizen of Las Vegas, indicated that five years ago he went through a similar tragedy. Nevada Power broke the lock of his gate and his dog walked out and he was never able to find it.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(3:09 – 3:16)

**AGENDA SUMMARY PAGE****REAL ESTATE COMMITTEE MEETING OF: AUGUST 18, 2003**

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**DEPARTMENT: PUBLIC WORKS****DIRECTOR: RICHARD D. GOECKE**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Discussion and possible action regarding a Land Purchase Agreement between the City of Las Vegas and Jerry Hamika for the sale of approximately 3.75 acres of vacant real property, identified as APN 139-25-405-005, located on the northwest corner of East Bonanza Road and North Mojave Road (\$800,000 revenue) - Ward 3 (Reese)

**Fiscal Impact**☐**No Impact****Amount:** \$800,000 revenue☐**Budget Funds Available****Dept./Division:** Public Works/Real Estate☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

On December 6, 2000, the City Council authorized to market for sale the above referenced land. Staff has targeted this parcel to be marketed as a potential commercial location. Priority One Commercial, as the authorized agent of the City, accepted the offer. This agreement is contingent upon approval by the City Council and zoning and site development being approved.

**RECOMMENDATION:**

Staff recommends approval of the contract and dedicating the proceeds of this sale to be used for the purchase of land for recreation purposes or construction of recreation areas.

**BACKUP DOCUMENTATION:**

Land Purchase Agreement

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN MONCRIEF recommended Item 2 be forwarded to the Full Council with a "DO PASS" recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

DAVID ROARK, Manager, Real Estate and Asset Management Division, advised that the City has had this acreage up for sale for approximately two years. Several contracts have come through, but they have failed. This offer is contingent upon a site development plan approval. COUNCILMAN REESE has already seen a portion of it and he is very pleased with it. The land carries some problems

that devalue the property about \$450,000; therefore, staff considers this a good offer, which will greatly improve the area.

REAL ESTATE COMMITTEE MEETING OF AUGUST 18, 2003

Public Works

Item 2 - Discussion and possible action regarding a Land Purchase Agreement between the City of Las Vegas and Jerry Hamika for the sale of approximately 3.75 acres of vacant real property, identified as APN 139-25-405-005, located on the northwest corner of East Bonanza Road and North Mojave Road

**MINUTES – Continued:**

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(3:16 – 3:17)

**1-206**

**AGENDA SUMMARY PAGE****REAL ESTATE COMMITTEE MEETING OF: AUGUST 18, 2003**

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**DEPARTMENT: PUBLIC WORKS****DIRECTOR: RICHARD D. GOECKE**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Discussion and possible action to authorize staff to submit a letter to the Bureau of Land Management (BLM) requesting a modified-competitive sale of a portion of APNs 125-17-801-001 and 125-17-401-006 (approximately 4.65 acres), located near US 95 and Oso Blanca - Ward 6 (Mack)

**Fiscal Impact**☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

On 10/11/02, CLV received an unsolicited request from the adjacent landowner to purchase this portion of land. This parcel is a remnant piece that will be left over after full street improvements for US 95 and Oso Blanca are built. The net usable acreage will be less than 4.65 acres once street improvements are complete. It will best serve the area for development and roadway improvements to add this remnant piece to the adjoining property owner and allow for inclusion in future plans for this sector of the City.

**RECOMMENDATION:**

Staff recommends approval

**BACKUP DOCUMENTATION:**

1. Letter to BLM
2. Site Map

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN MONCRIEF recommended Item 3 be forwarded to the Full Council with a "DO PASS" recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

CITY COUNCIL MEETING OF AUGUST 18, 2003

Public Works

Item 3 - Discussion and possible action to authorize staff to submit a letter to the Bureau of Land Management (BLM) requesting a modified-competitive sale of a portion of APNs 125-17-801-001 and 125-17-401-006 (approximately 4.65 acres), located near US 95 and Oso Blanca

**MINUTES – Continued:**

DAVID ROARK, Manager, Real Estate and Asset Management Division, stated that this matter involves two parcels of land in the Northwest totaling approximately 60 acres. Oso Blanca will cut through as a frontage road, leaving a piece of property of about 4.6 acres for which staff would like to obtain authorization to seek approval from the BLM to purchase the property in order to sell it to the adjacent property owner at the City's purchase price and include it in future plans for this sector of the City. Staff recommends approval.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(3:17 – 3:19)

**1-263**



**AGENDA SUMMARY PAGE****REAL ESTATE COMMITTEE MEETING OF: AUGUST 18, 2003**

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**DEPARTMENT: PUBLIC WORKS****DIRECTOR: RICHARD D. GOECKE**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Discussion and possible action for acceptance of a Quitclaim Deed in favor of the City of Las Vegas from the State of Nevada Department of Transportation for real property consisting of approximately 2.13 acres known as the Charleston Heights Neighborhood Preservation Park II, APN 138-35-111-009 (\$506,512.10 - Land/Parks) - Ward 1 (Moncrief)

**Fiscal Impact**☐**No Impact****Amount:** \$506,512.10☐**Budget Funds Available****Dept./Division:** Public Works/Real Estate☐**Augmentation Required****Funding Source:** Land/Parks**PURPOSE/BACKGROUND:**

The State acquired 7.34 acres of land from the City to widen portions of US-95. Of this 7.34 acres, the State agreed to sell back to the City 2.13 acres, to develop into a public park, within six months of the receipt of a Certificate of Occupancy for the reconstructed O.K. Adcock Elementary School and the relocation of the students. A Certificate of Occupancy was received 2/26/2003. The State has deposited a Quitclaim Deed with Nevada Title Company and at the time that the City deposits the sales price amount, escrow will close.

**RECOMMENDATION:**

Staff recommends approval

**BACKUP DOCUMENTATION:**

Site Map

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN MONCRIEF recommended Item 4 be forwarded to the Full Council with a "DO PASS" recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

DAVID ROARK, Manager, Real Estate and Asset Management Division, advised that in the sales agreement for this property with the Nevada Department of Transportation for the expansion of I-95 and the reconstruction of Adcock School, the City guaranteed to purchase any leftover land for the same price at which it was sold. Since the two construction projects have been completed, staff is now

ready to go forward with the purchase of the property and build a park on that site. He recommended approval.

REAL ESTATE COMMITTEE MEETING OF AUGUST 18, 2003

Public Works

Item 4 – Discussion and possible action for acceptance of a Quitclaim Deed in favor of the City of Las Vegas from the State of Nevada Department of Transportation for real property consisting of approximately 2.13 acres known as the Charleston Heights Neighborhood Preservation Park II, APN 138-35-111-009 (\$506,512.10 - Land/Parks)

**MINUTES – Continued:**

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(3:19 – 3:20)

**1-307**

**AGENDA SUMMARY PAGE****REAL ESTATE COMMITTEE MEETING OF: AUGUST 18, 2003**

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**DEPARTMENT: PUBLIC WORKS****DIRECTOR: RICHARD D. GOECKE**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Discussion and possible action regarding a Landlord Estoppel Certificate and Agreement between the City of Las Vegas as Landlord, Steadfast Plaza, L.P. and Steadfast Creekside, L.P. as current Tenant agreeing to approve assignment to AMX I, LLC and AMX II, LLC for property located at 333 East Ogden Avenue commonly known as the Ogden Parking Garage (Lady Luck) - Ward 5 (Weekly)

**Fiscal Impact**☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

The Lady Luck was previously purchased by Steadfast Plaza, L.P. and Steadfast Creekside L.P. These two L.P.'s have created parent company's whose name will now appear as the 100% owner of each of these organizations. The Landlord Estoppel Certificate and Agreement will bind AMX I, LLC and AMX II, LLC to all terms previously held by Steadfast Plaza, L.P. and Steadfast Creekside, L.P. for the parking garage lease.

**RECOMMENDATION:**

Staff recommends approval

**BACKUP DOCUMENTATION:**

Landlord Estoppel Certificate and Agreement

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN MONCRIEF recommended Item 5 be forwarded to the Full Council with a "DO PASS" recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

DAVID ROARK, Manager, Real Estate and Asset Management Division, indicated that this matter involves a lease agreement that was entered into in 1980 with the Lady Luck for a parking garage, which has changed hands many times. In this case, the existing owner is creating two parent companies, AMX I and AMX II. He recommended approval of this matter to make it official.

REAL ESTATE COMMITTEE MEETING OF AUGUST 18, 2003

Public Works

Item 5 – Discussion and possible action regarding a Landlord Estoppel Certificate and Agreement between the City of Las Vegas as Landlord, Steadfast Plaza, L.P. and Steadfast Creekside, L.P. as current Tenant agreeing to approve assignment to AMX I, LLC and AMX II, LLC for property located at 333 East Ogden Avenue commonly known as the Ogden Parking Garage (Lady Luck)

**MINUTES – Continued:**

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(3:20 – 3:22)

**1-353**

**AGENDA SUMMARY PAGE****REAL ESTATE COMMITTEE MEETING OF: AUGUST 18, 2003**

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**DEPARTMENT: PUBLIC WORKS****DIRECTOR: RICHARD D. GOECKE**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Discussion and possible action regarding a Fire and Rescue 5 Lease Agreement between the City of Las Vegas and Benevolent Protective Order of Elks Las Vegas, Lodge #1468 located at Charleston Boulevard and Hinson Street (\$13 - General Fund Fire & Rescue) - Ward 1 (Moncrief)

**Fiscal Impact**☐**No Impact****Amount: \$13**☒**Budget Funds Available****Dept./Division: Fire & Rescue/Suppression**☐**Augmentation Required****Funding Source: General Fund Fire & Rescue****PURPOSE/BACKGROUND:**

The City of Las Vegas is replacing Fire Station #5 with a new fire station. As a result, the existing fire station was demolished and fire department personnel were relocated to Fire Station #10 at 1501 Martin L King Boulevard. The Lease Agreement allows Fire & Rescue to return to their normal response district (for up to 13 months) for part of their shift, establish communication equipment in the rented space and provide the neighborhood with emergency services during high demand.

**RECOMMENDATION:**

Staff recommends approval

**BACKUP DOCUMENTATION:**

Fire &amp; Rescue Station 5 Lease Agreement

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN MONCRIEF recommended Item 6 be forwarded to the Full Council with a "DO PASS" recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

DAVID ROARK, Manager, Real Estate and Asset Management Division, advised that Fire Station No. 5 was demolished approximately three months ago in order to construct a new fire station. In the meantime, staff would like to enter into an agreement with the adjacent Elks Lodge for office space to run rescue services. The displaced fire personnel currently operate out of another station, which has increased response time, requiring Clark County to respond to some of the incidents in that area. He recommended approval.

REAL ESTATE COMMITTEE MEETING OF AUGUST 18, 2003

Public Works

Item 6 – Discussion and possible action regarding a Fire and Rescue 5 Lease Agreement between the City of Las Vegas and Benevolent Protective Order of Elks Las Vegas, Lodge #1468 located at Charleston Boulevard and Hinson Street (\$13 - General Fund Fire & Rescue)

**MINUTES – Continued:**

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(3:22 – 3:24)

**1-392**

**AGENDA SUMMARY PAGE**

**REAL ESTATE COMMITTEE MEETING OF: AUGUST 18, 2003**

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**DEPARTMENT: PUBLIC WORKS**

**DIRECTOR: RICHARD D. GOECKE**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Discussion and possible action to clarify an Encroachment Agreement with John T. Moran Jr. and Marilyn Moran for a portion of the alley behind the Moran's' property generally located at 628 and 630 South Fourth Street - Ward 1 (Moncrief)

**Fiscal Impact**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

The City owns the public right-of-way of the alley behind the Morans' property. The City is in the process of a vacation of the entire alley behind the Morans' property and following completion of such vacation process, the City intends to convey its half of the vacated alley behind the Morans' property to the Morans. In the interim, the Morans have requested that they be permitted to construct a block wall and parking lot on said right-of-way.

**RECOMMENDATION:**

Staff recommends approval

**BACKUP DOCUMENTATION:**

Encroachment Agreement

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN MONCRIEF recommended her recommendation for the City to retain half of the alleyway and encroach the other half of the alleyway to MR. MORAN be forwarded to the Full Council for clarification. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

CITY ATTORNEY BRAD JERBIC explained that he requested this matter be placed on this agenda, following the July 16, 2003, meeting of the City Council. This involves one in a series of agreements with JOHN MORAN JR. for property on Fourth Street. The original deal would have allowed MR.



MORAN to encroach into the alleyway, pending a final recordation of the vacation, which was approved by Council earlier this year. At the July 16, 2003, City Council meeting, the

**REAL ESTATE COMMITTEE MEETING OF AUGUST 18, 2003**

**Public Works**

**Item 7 – Discussion and possible action to clarify an Encroachment Agreement with John T. Moran Jr. and Marilyn Moran for a portion of the alley behind the Moran's' property generally located at 628 and 630 South Fourth Street**

**MINUTES – Continued:**

Council held extensive discussion at that time, which resulted in a motion that approved the encroachment agreement. However, there are mixed messages in the transcript. There was discussion between MR. MORAN and COUNCILWOMAN MONCRIEF regarding the City's ability to reenter the alleyway, which is what his office heard and consequently drafted the agreement to reflect that language, but MR. MORAN disagrees and alleges that the language regarding deeding the property to him in the future was excluded. CITY ATTORNEY JERBIC requested clarification as to whether to authorize DEPUTY CITY MANAGER HOUCHENS, under Item 8 of this agenda, to execute the Quitclaim Deed.

COUNCILWOMAN MONCRIEF said that her original motion was to approve the encroachment of half the alleyway and that the City keep the other half of the alleyway, if needed. She explained at that meeting that if MR. MORAN built a block wall around the property, the City would not be responsible for any expenses if the City needed the property in the future and was forced to tear down the wall. She indicated that she has not changed her mind since that meeting; therefore, she reiterated her motion that the City retain half of the alleyway and encroach the other half of the alleyway to MR. MORAN and that he can use the full alleyway and build a block wall around it, but if at anytime the City needs its half of the alleyway, it would revert back without any expenses.

COUNCILWOMAN MONCRIEF explained that the alleyway was originally vacated because a parking garage was to be built adjacently. That is no longer the case, and there is no reason to give away the land, especially since all land has value. CITY ATTORNEY JERBIC clarified that the original agreement, as drafted, had language in it that did not deed the property to MR. MORAN but did refer to the fact that it would be deeded to him in the future. That language came out as a result of the 7/16/2003 Council meeting. COUNCILMAN MONCRIEF said she would only support to deed half the alleyway to MR. MORAN. CITY ATTORNEY JERBIC indicated that the vacation would accomplish that, so a deed would not be necessary.

DAVID ROARK, Manager, Real Estate and Asset Management Division, clarified with CITY ATTORNEY JERBIC that the recommendation would go forward to Council for action no matter the recommendation of this Committee. COUNCILWOMAN MONCRIEF then made a recommendation for "No Pass."

As a matter of information, MR. ROARK advised that, at about \$24 a square foot, the property is worth from 3,500 to \$4,000, and, by City ordinance, the City cannot sell the property if it is vacated.

REAL ESTATE COMMITTEE MEETING OF AUGUST 18, 2003

Public Works

Item 7 – Discussion and possible action to clarify an Encroachment Agreement with John T. Moran Jr. and Marilyn Moran for a portion of the alley behind the Moran's' property generally located at 628 and 630 South Fourth Street

**MINUTES – Continued:**

AL GALLEGO, citizen of Las Vegas, expressed concern about emergency vehicles not being able to get through the alleyway, should MR. MORAN build a fence around half of his alleyway. The City should consider the safety issues involved.

CITY ATTORNEY JERBIC requested a motion to submit the matter for clarification to the City Council at the 8/20/2003 Council meeting. COUNCILMAN WEEKLY verified that the motion would include forwarding the language of COUNCILWOMAN MONCRIEF.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(3:24 – 3:30)

**1-459**

**AGENDA SUMMARY PAGE****REAL ESTATE COMMITTEE MEETING OF: AUGUST 18, 2003**

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**DEPARTMENT: PUBLIC WORKS****DIRECTOR: RICHARD D. GOECKE**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Discussion and possible action to preauthorize Deputy City Manager Steve Houchens (as Secretary of Office District Parking I, Inc.--"ODP Inc.") to execute a Quitclaim Deed, from ODP Inc. to John T. Moran, Jr. and Marilyn Moran, husband and wife, for ODP Inc.'s portion of the vacated alley behind the Moran's' property generally located at 628 and 630 South Fourth Street, in coordination with the vacation process - Ward 1 (Moncrief)

**Fiscal Impact**☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

The City owns the public right-of-way of the alley behind the Moran's' property. The City is in the process of a vacation of the entire alley behind the Moran's' property and following the completion of such vacation process, the City intends to convey its half of the vacated alley (which will then revert to Office District Parking I, Inc. as a matter of law) to the Moran's. This action will allow the Deputy City Manager to coordinate the vacation process with the conveyance so that once the vacation is recorded by the City, the Moran's will receive both their half of the vacated alley and the City's half, and such portions will both be included in the Moran's' property description.

**RECOMMENDATION:**

Preauthorize Deputy City Manager Houchens to execute the required Quitclaim Deed to accomplish the vacation of the alley behind the Morans property in coordination with the conveyance to the Morans of the entire alley behind their property.

**BACKUP DOCUMENTATION:**

None

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN MONCRIEF** recommended Item 8 be forwarded to the Full Council with a "NO PASS" recommendation. **COUNCILMAN WEEKLY** concurred.

REAL ESTATE COMMITTEE MEETING OF AUGUST 18, 2003

Public Works

Item 8 – Discussion and possible action to preauthorize Deputy City Manager Steve Houchens (as Secretary of Office District Parking I, Inc.--"ODP Inc.") to execute a Quitclaim Deed, from ODP Inc. to John T. Moran, Jr. and Marilyn Moran, husband and wife, for ODP Inc.'s portion of the vacated alley behind the Moran's' property generally located at 628 and 630 South Fourth Street, in coordination with the vacation process

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

CITY ATTORNEY BRAD JERBIC indicated that the original encroachment agreement, as drafted, contained language that referred to the City issuing a quitclaim deed for the City's half of the alleyway to JOHNN MORAN JR. and his wife upon recordation of the vacation. He requested clarification on that language.

COUNCILWOMAN MONCRIEF gave a historical account on this piece of property. On May 15, 2002, the Council approved the purchase and sale agreement with MR. MORAN for property at 628 Fourth Street. The MR. MORAN and his wife purchased the property for \$100,000. The value was estimated at \$330,000, so the Morans paid \$230,000 less than the appraised value. The property was going to be limited to surface parking and MR. MORAN would have to sell this piece of property back to the City if he wanted to sell, minus the \$230,000 of equity. On April 2, 2003, the Council approved an amendment deleting the deed restriction that gave the seller the right to repurchase the property or remove surface parking restrictions. As a result, MR. MORAN could sell this property to anybody for any price he requested. On May 21, 2003, the Council approved to vacate the entire alleyway on the parking garage block due to the possibility of the high-rise, which was never built.

COUNCILWOMAN MONCRIEF made the motion for a "No Pass" and not deed the City's half of the alleyway.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(3:30 – 3:33)

**1-668**

**REAL ESTATE COMMITTEE AGENDA**  
**REAL ESTATE COMMITTEE MEETING OF: AUGUST 18, 2003**

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

**MINUTES:**

None.

(3:33)

**1-758**

**THE MEETING ADJOURNED AT 3:33 P.M.**

Respectfully submitted: \_\_\_\_\_

GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK  
September 2, 2003